

**IN THE JUSTICE OF THE PEACE COURT NO. 16  
OF THE STATE OF DELAWARE  
IN AND FOR KENT COUNTY**

DAN PEROZZI,

Plaintiff,

v.

TRAVIS SUDLER and  
TAMMY SUDLER,

Defendants.

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C.A. No. JP16-08-007068

Submitted: February 3, 2009

Decided: February 3, 2009

Before **HUTCHISON, MURRAY** and **PENNELLA**, Magistrates.

**ORDER**

This is an action for summary possession and accrued rent owed in a landlord/tenant case, which was appealed to a three Justice of the Peace Panel. Trial *de novo* before a Special Court comprised of a Three Judge Panel, Judges Hutchison, Murray and Pennella as provided by 25 *Del. C.* § 5717(a) was scheduled this date. Dan Perozzi (“plaintiff”) appeared *pro se*. Travis Sudler and Tammy Sudler (“defendants”) did not appear.

Plaintiff requested a default judgment and summary possession. Plaintiff did not present a lease and stated the rental agreement was month to month. Upon review of the 7-day letter it shows that the amount Plaintiff is requesting is overstated. The letter requests \$2,500 for payment of a mobile home on the lot.

Plaintiff admits that he does not hold title to the mobile home. In addition, Plaintiff requests \$500 for a disposal fee for trash and junk removal without providing any supporting documentation for that amount.

Finally, Defendant Tammy Sudler was not served with a separate notice as required by *Lasocha v. Weir*, Del. J.P., C.A. No. JP16-08-003647, Arndt, J., Murray, J. and Pennella, J. (Sept. 2, 2008).

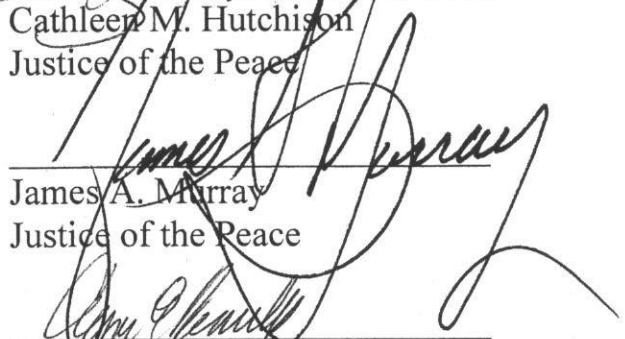
Based on the Court's fact finding inquiry and the Court's above-referenced conclusions of law, the Plaintiff has failed to prevail as to his appeal. The Plaintiff's request for a default judgment and summary possession is **DENIED**.

**IT IS SO ORDERED** this 3rd day of February, 2009.


Trial De Novo Panel



Cathleen M. Hutchison  
Justice of the Peace



James A. Murray  
Justice of the Peace



Agnes E. Pennella  
Justice of the Peace